

June 25, 2014



Talbot County Planning Commission
Final Decision Summary

Wednesday, April 2, 2014 at 9:00 a.m.

Bradley Meeting Room

11 N. Washington Street, Easton, Maryland

Attendance:

Commission Members:

Thomas Hughes
William Boicourt
Michael Sullivan
Paul Spies
Jack Fischer

Staff:

Sandy Coyman, Planning Officer
Mary Kay Verdery, Assistant Planning Officer
Brett Ewing, Planner I
Elisa Deflaux, Environmental Planner
Martin Sokolich, Long Range Planner
Michael Mertaugh, Assistant County Engineer
Carole Sellman, Recording Secretary

1. Call to Order—Commissioner Hughes called the meeting to order at 9:00 a.m.

2. Decision Summary Review—March 5, 2014—The Commission noted the following corrections to the draft decision summary:

- a. Line 66, strike the last sentence.
- b. Line 74, correct to read, "The Comprehensive Plan states that we are to maintain existing character and density of the villages..."
- c. Line 87, correct to read, "Royal Oak, Maryland, stated to the Planning Commission that she believed..."
- d. Line 95, end of the sentence to read, "and the Commission can only address its consistency with the current Comprehensive Plan."
- e. Line 97, correct to read, "Mr. Clark stated all of the remaining 137 taps could be available to new lots in the service area."
- f. Line 116, correct to read, "Commissioner Hughes stated that it would not be regarded as a boon if we were required to eliminate the second hundred feet of mixed vegetation in favor of turf grass on which the state is promoting the use of lawn fertilizer. The provision for a view is a major property owner concern. Lastly he recommended a strategy that provides for low level plantings that retains selected views and still accomplished the purpose of the buffer."
- g. Line 153; add a period at end of line.
- h. Line 156, correct to read, "He believes that the management technique of the second hundred feet is just as important as what is planted there."
- i. Line 256, place a period after PNC Bank, capitalize "H" of He to begin a new sentence.
- j. Line 333 should be "community's".

Commissioner Spies moved to approve the draft Planning Commission Decision Summary for April 2, 2014, as amended; Commissioner Sullivan seconded the motion. The motion carried unanimously.

3. Decision Summary Review—Special Meeting, March 19, 2014—The Commission noted the following corrections to the draft decision summary:

- a. Line 55; insert the following, “parking standards subject to the standards given in this chapter which put further conditions on the bulk requirements.”
- b. Line 81, correct to state “Commissioner Fischer and Commissioner Spies”.
- c. Line 108, correct the spelling of Fischer.
- d. Line 171, correct spelling, “area”.
- e. Line 186 changed to read, “Commissioner Fischer asked what the County Council had in mind regarding the tier maps.

Commissioner Spies moved to approve the draft Planning Commission Decision Summary for March 19, 2014, as amended; Commissioner Fischer seconded the motion. The motion carried unanimously.

4. Old Business

- a. Critical Area Blue Ribbon Committee

Mr. Coyman stated that in the last few months a number of Planning Commission recommendations have gone to the County Council. The Council expressed the desire for the Planning Commission to provide recommendations focused on precisely what was referred to the Planning Commission. If there are additional recommendations they could be included in a separate document.

Mr. Coyman noted that yesterday a document was received from Mr. Slear providing additional clarifications related to the Blue Ribbon Committee’s recommendations. Also, in the past we had received several recommendations from the Board of Realtors. The recommendations from the Board of Realtors contain specific code change recommendations; staff recommends that since the analysis is at the concept level, these recommendations be addressed when the zoning code verbiage is prepared. The Commission concurred.

Commissioner Hughes noted that the County Council appointed a Blue Ribbon Commission to examine the two hundred foot buffer issue and provide recommendations to improve the local Critical Area program. The Committee has completed its work which the County Council forwarded to the Commission for its review and recommendations. Once the Commission sends its recommendations to the Council they will decide what should be forwarded to the Critical Area Commission.

Mr. Coyman stated that he expects the Council’s accepted changes will be reviewed informally through the Critical Area Commission’s committee structure.

98 After this review a formal proposal to the Critical Area Commission would be
99 prepared and submitted if the Council desires.

100
101 Commissioner Fischer asked for clarification of the Council's recommendation
102 policy. Mr. Coyman stated his understanding was the County Council seeks at a
103 minimum a direct response to the item submitted to the Planning Commission for
104 review and if the Commission has other thoughts/recommendations that they
105 could be sent in a separate correspondence.

106
107 Commissioner Hughes stated he received Mr. Slear's document by email and
108 opened it at 7:00 a.m. this morning. He suggested that the Commission address
109 the document in the packet containing the six recommendations with the Planning
110 Commission's comments. Commissioner Hughes suggested adding a separate list
111 stating in general terms what the Commission believes the highest priorities
112 among the issues are. He suggested:

- 113 1. More directly address the view issue
- 114 2. Grandfather existing homes on parent parcels with a one hundred foot
115 buffer when subdivision occurs
- 116 3. Revise the development categories chart to include all properties with
117 existing houses proposing additions, replacement, reconstruction etc.
118 together as one category requiring riparian planting area establishment to
119 equal to "net increase in lot coverage" only.

120
121 Commissioner Boicourt agreed. Mr. Coyman suggested preparing a memorandum
122 stating Planning Commission recognizes the County Council is interested in a
123 specific recommendation with the Commission's position on the Blue Ribbon
124 Committee's six recommendations. A second memorandum containing the
125 Planning Commission's recommended priorities and other suggestions could be
126 prepared. The Commission concurred provided the two documents are clearly tied
127 together as the complete Planning Commission recommendation.

128
129 Turning to the six recommendations, Commissioner Fischer questioned
130 recommendation No. 3: how can existing lot coverage offset new features' water
131 quality? Mr. Coyman stated any additions within the Critical Area would be
132 required to provide sufficient best management practices to offset its water quality
133 impacts somewhere on the site. For example a best management practice could be
134 placed near a driveway or other impervious surface to offset the addition's water
135 quality impact.

136
137 Commissioner Fischer suggested deleting the last six words in Commission
138 position for No. 3 and placing a period after the word buffer (third line). The
139 Commission concurred.

140
141 Commissioner Boicourt moved to forward to the County Council the Planning
142 Commission position statement for the Blue Ribbon Committee's Report, as
143 amended, provided all the Commission's position statements contain certain

144 provisos that must be addressed to be acceptable, seconded by Commissioner
145 Fischer. The motion carried unanimously.

146
147 Commissioner Hughes recommended that the Planning Commission state that it
148 believes the three major issues are:

- 149 1. View shed/modified planting area,
- 150 2. Define parent parcel in a subdivision application and direct that its shoreline
151 development buffer setback remain at 100 feet when subdivision occurs; and
- 152 3. Revise development categories chart to include all properties with existing
153 houses proposing additions, replacement, reconstruction etc. together as one
154 category requiring riparian planting area establishment to equal to "net
155 increase in lot coverage" only; and need to be resolved.

156
157 Commissioner Spies moved that staff draft a letter outlining the additional Critical
158 Area recommendations and have it attached to memorandum addressed in the
159 previous motion, seconded by Commissioner Boicourt. The motion carried
160 unanimously.

161
162 The Planning Commission thanked the Blue Ribbon Committee for their work on
163 this matter.

164
165 b. Critical Area Mapping Project
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167 Ms. Verdery explained that staff is working with Salisbury University to update
168 the Critical Area maps. Until we receive their work back, we cannot complete the
169 maps. We anticipate receiving these materials in the near future. Also staff will be
170 sending a postcard to the affected property owners. Staff will next produce a set
171 of maps showing the zoning revisions that must be made due to the Critical Area
172 Boundary changes. These will be forwarded to the County Council for review and
173 adoption. In the interim the public will have the opportunity to go online and look
174 at their property and if they have any questions contact our office or the Critical
175 Area Commission.

176
177 Commission Sullivan moved to table the recommendation to County Council on
178 the Critical Area mapping project to a future meeting, seconded by Commissioner
179 Spies. The motion carried unanimously.

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181 c. Critical Area Lot Coverage—Text Amendment
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183 Commissioner Spies moved to table the recommendation to County Council of
184 Critical Area Lot Coverage, seconded by Commissioner Fischer. The motion
185 carried unanimously.

186
187 d. Resolution 210—Talbot County Planning Commission Adoption of Findings of
188 Fact and Conclusions of Law
189

Commissioner Hughes noted there was a correction on page age 3; line 72, the letter was from James Howe. He asked for clarification of which version was the final draft. Staff clarified for the Commission the appropriate draft.

Commissioner Boicourt moved to adopt the Certification of Consistency with Comprehensive Plan Findings of Fact and Conclusions of Law, with change noting letter received from James Howe on page three, seconded by Commissioner Sullivan. The motion carried unanimously.

5. New Business

- a. Delahay Family Limited Partnership, (M1138)—Almshouse Road, Oxford, MD, (map 48, grid 16, parcel 49, zoned Rural Conservation/Agricultural Conservation), William B. Stagg, Lane Engineering, LLC, Agent.

Mr. Ewing presented the staff report of the applicant's request for final plan review for a four lot subdivision with private road and a lot size waiver for Lot 1, 8.790 acres in the Rural Conservation zone. The project is a four lot subdivision, two lots in the critical area and two lots in the non-critical area, the eight remaining development rights will be assigned to the remaining parcel. Lot 1 does not comply with the Rural Conservation lot size regulations of five acres or less or twenty acres or more. Staff has concerns with layout of Lot 4.

Staff recommendations include:

1. Address the March 12, 2014 Technical Advisory Committee comments of Planning and Permits, Department of Public Works, Environmental Health Department, Talbot Soil Conservation District, the Environmental Planner and the Critical Area Commission prior to Compliance Review Meeting plat submittal.
2. The applicant shall obtain a lot size waiver for Lot 1 prior to final approval.
3. The applicant shall reconfigure Lot 4 to be totally outside the critical area.

Bill Stagg spoke on behalf of Delahay Family Partnership for final plat approval. He noted the major change proposed today affects lot 2, as originally designed it would not work as a viable lot. Lot 4, part of the lot is in the critical area and is proposed for adjustment. Mr. Stagg explained this was a proposed refinement on applicant's part.

Mr. Ewing pointed out in the Technical Advisory Committee comments that Ms. Deflaux asked that Lot 4 be reconfigured to be outside of the stream buffer. Mr. Stagg stated that could be accomplished without encroaching on the septic disposal area (SDA).

Commissioner Boicourt asked for the rationale for the lot size waiver for Lot 1 was. Mr. Stagg stated it was in response to the two hundred foot buffer requirement. Commissioner Hughes asked for public comments; none were made.

Commissioner Boicourt moved to recommend to the Planning Officer to approve the final plan with staff conditions for Delahay Family Limited Partnership major four lot subdivision with private road, Commissioner Sullivan seconded. The motion carried unanimously.

Commissioner Boicourt moved to approve the lot size waiver for Lot 1 because of site considerations, agricultural preservation and SDA location, Commissioner Sullivan seconded. The motion carried unanimously.

6. Discussions Items

- a. Comprehensive Plan update—Mr. Sokolich stated reviewing the Comprehensive Plan requires a 60 day inter-governmental review, a public comment period, and a planning commission review. Planning and Permits hopes to complete all of these in a timely fashion. The draft is ninety-five percent ready to circulate for comment and to bring to the Commission. The format has been updated to improve clarity. Staff plans to publish drafts on the web for review and comment and to provide other outreach and public meetings.

Commissioner Hughes asked if the sitting Council wanted to pass the Comprehensive Plan? Mr. Sokolich stated the goal is November.

Commissioner Hughes asked if there were any changes in municipal growth maps. Mr. Sokolich stated that growth phases are a little different than in the 2005 Plan. Easton's Growth Areas have not changed at all. In Easton's Comprehensive Plan update, there were some objections to "future" growth characterized as a 20 year plan, and has been pushed farther into the future.

Commissioner Fischer asked if all chapters were back from the Chapter committees. Mr. Sokolich said they have been received.

Three public meetings to gain input on village growth and sewer policy have been scheduled. The meetings will be Saturday morning April 26th in Tilghman, Monday evening April 28th meeting in Easton, and a third meeting May 10th with the location to be determined.

Commissioner Fischer state he believes that there are compelling reasons to get this done under this Council. He urges to move as fast as we can. Commissioner Hughes stated he is willing to have special meetings if necessary.

Mr. Sokolich suggested perhaps scheduling a work session in May to work on the Comprehensive Plan.

- 280 b. Illuminated sign—Mr. Ewing stated there is a proposed illuminated sign designed
281 to convey current gas pricing and that this appears to staff to be virtually the same
282 as signs permitted by Section 190-160(e), which allows illuminated electronic
283 signs providing the time, the date or the weather. The Commission agreed with
284 staff's interpretation. After discussion the Commission added that the sign may
285 only change once an hour.
286

287 **7. Staff Matters**

- 288 a. Cottage Industry Bill 1259—Ms. Verdery stated this bill was approved by the
289 County Council. It requires site plan approval, a biennial use certificate, and it
290 will also allow a lot size waiver specific to cottage industry proposals. Staff will
291 contact the eight existing special exceptions so they know what they will need the
292 biennial use certificates. We also have six violation properties, which will be
293 contacted so they can begin to seek approval.
294
- 295 b. Flood Program Community Rating System—the County has received preliminary
296 notification that Talbot County will qualify for a community rating system class 8
297 for 10% discount for properties in the special flood hazard zone and a 5%
298 discount for those outside the zone.
299
- 300 c. May Planning Commission Meeting—May meeting at County library in Easton.
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302 **8. Work Sessions**

303 **9. Commission Matters**

- 304 a. Caroline County Septic Tiers Map review—Caroline County is preparing their
305 Comprehensive Plan and have to notify surrounding counties for their comments We
306 can basically say you have no comment. The Commission expressed no comment on
307 the Caroline Septic Tier Map.
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310 **10. Adjournment**—Commissioner Hughes adjourned the meeting at 11:03 a.m. 311 312

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